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OSCAR GATES

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLLEEN MARY ROHAN, ex rel. OSCAR GATES,

Petitioner,

v.

KEVIN CHAPPELL,  
Warden, California State Prison at San Quentin,  
Respondent.

**C88-2779 WHA**

**DEATH PENALTY CASE**

**PARTIES' STIPULATION  
AND ~~PROPOSED~~  
ORDER EXTENDING TIME  
TO FILE REPLY BRIEF  
(N.D.L.R. 5-1(i)(3), 7-11,  
7-12)**

TO: THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT JUDGE;  
GREGG ZYWICKE AND GLENN PRUDEN, DEPUTY ATTORNEYS GENERAL; AND TO  
RICHARD W. WIEKING, CLERK OF THE UNITED STATES DISTRICT COURT:

Pursuant to Northern District Local Rules, Rules 7-11 and 7-12, the parties hereby present this stipulation and proposed Order, extending time for petitioner to file a reply brief in support of his motion for transfer and restoration, through and including November 21, 2013.

On October 23, 2013, petitioner's counsel filed a motion for transfer and restoration, see Doc. 617. On November 6, 2013, respondent's counsel filed an opposition. See Doc. 621. On November 7, 2013, a further settlement conference was held, see Doc. 622, at which the Court requested that petitioner's counsel prepare and submit certain materials. Later on November 7, 2013, the Warden filed another opposition to the motion, see Doc. 623, along with a supporting declaration. See Doc. 624.

Petitioner's reply brief being due seven days after any opposition's filing date or due date, respectfully requests an extension of time to and including November 21, 2013, in which to file the reply.

Since the November 7, 2013, settlement conference, petitioner's counsel have been occupied with preparing the materials directed by the Magistrate Judge, see Doc. 622, and preparing a budget proposal for these and related events.

On November 12, 2013, petitioner's co-counsel, Tim Brosnan, exchanged e-mails with respondent's counsel, Gregg Zywicke, and advised of this request. Mr. Zywicke authorized petitioner to represent that respondent's counsel has no opposition to this request and stipulates to the Court granting it. Per N.D. Local Rules, rule 5-1 (i) (3), I attest that concurrence in the filing of the document has been obtained from each of the other signatories listed below.

Petitioner will be glad to submit a more detailed showing if the Court finds that appropriate. There have been no prior requests to extend the date and the time requested is relatively brief.

Per N.D. Local Rules, rule 7-12, a proposed Order is provided on the following page.

#### **STIPULATION**

The parties stipulate to the Court extending the time for petitioner to file its reply brief on or before November 21, 2013.

DATED: November 12, 2013

/s/ Gregg Zywicke  
GREGG ZYWICKE  
GLENN PRUDEN  
Deputy Attorneys General,  
Counsel for Respondent

It is so stipulated.

DATED: November 12, 2013

/s/ Tim Brosnan  
WILLIAM L. OSTERHOUDT  
TIM BROSNAN  
Counsel for Petitioner,  
OSCAR GATES

(Proposed) ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 15, 2013

A handwritten signature in blue ink, appearing to read "Wm Alsup", is written over a horizontal line.

HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE

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